

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
3 LISA BROWN, M.D. :  
4 Plaintiff :  
5 v. : Civil Action No. 05-32 E  
6 HAMOT MEDICAL CENTER, :  
7 Defendant :

8 Continued Deposition of LISA BROWN, M. D., taken  
9 before and by Sonya Hoffman, Notary Public in and for  
10 the Commonwealth of Pennsylvania on Saturday, December  
11 17, 2005, commencing at 9:24 a.m., at the offices of  
12 Knox McLaughlin Gornall & Sennett, P.C., 120 West  
13 Tenth Street, Erie, PA 16501.

14 For the Plaintiff:

15 Patrick Sorek, Esquire  
16 Leech Tishman Fuscaldo & Lampl  
17 Citizens Bank Building, 30th Floor  
18 525 William Penn Place  
19 Pittsburgh, PA 15219

20 For the Defendant:

21 Kerry M. Richard, Esquire, P.C.  
22 Tobin O'Connor Ewing & Richard  
23 5335 Wisconsin Avenue, NW  
24 Suite 700  
25 Washington, DC 20015

Reported by Sonya Hoffman  
Perguson & Holdnack Reporting, Inc.

1 LISA BROWN, M. D., first having  
2 been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. RICHARD:

5 Q. I'll just remind you that you're still under oath  
6 from Thursday and we'll continue from there. All the same  
7 rules from Thursday still apply, if you need a break, tell  
8 me, if you don't understand the question, tell me all of  
9 that.

10 I am going to go back over just a couple of  
11 questions to cover where we left off two days ago. You  
12 mentioned that you had enlisted in the Reserves in, I think,  
13 it was February of '02.

14 A. Yes.

15 Q. What caused you to do that?

16 A. I had always had a desire to do something with my  
17 career that would be beneficial to the community or to  
18 society as a whole. And after the events of 9/11 instead of  
19 deciding to do mission work in a different county, I decided  
20 that it would probably be best to start out with doing  
21 things for our country.

22 And two of the other residents were reservists,  
23 and one of them had stated to me that one of the benefits of

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16 EXHIBIT

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1 being an orthopedic surgeon in the Reserves is that you get  
2 to work with other people eventually. It's always good to  
3 see what other surgeons are doing from different parts of  
4 the country because sometimes you can get in a rut when you  
5 train in the same part of the country and then you end up  
6 practicing. And so we talked about that benefit.

7 Q. Who were the other residents who were reservists?

8 A. Jamie DiLulo and Karl Seeam.

9 Q. And which one was it that told you there was a  
10 benefit to working with others?

11 A. Jamie DiLulo.

12 Q. You also said that you had considered doing  
13 mission work in another country.

14 A. Uh-huh.

15 Q. How seriously had you considered that?

16 A. Not that seriously. Practically, it's -- I have  
17 never taken any steps to look into that and practically I  
18 knew I couldn't, I have two kids to support. I have medical  
19 school loans and I knew that that wasn't anything that I  
20 could actively pursue whereas this is something -- the  
21 Reserves was something that I could actively pursue and do  
22 and not disrupt my training and not disrupt my ability to  
23 support my kids, and make a living, and to pay back my  
24 loans.

25 Q. Okay. When you were in medical school, did you do

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1 that we're all talking about the same thing.  
 2 During your semi-annual evaluation with Dr.  
 3 Lubahn, did you discuss with him plans to study Dr. Rogers  
 4 hydroxyapatite coated hips?  
 5 A. I remember discussing the upcoming research  
 6 project, and that was the upcoming research project.  
 7 Q. And it was your intent to do a review of a  
 8 previous study?  
 9 A. Yes.  
 10 Q. What about the next point where it says that you  
 11 remained somewhat frustrated that you don't have enough time  
 12 to read?  
 13 A. Yes.  
 14 Q. Did you have that discussion with him?  
 15 A. I don't remember the discussion.  
 16 Q. Were you frustrated at that time?  
 17 A. Yes.  
 18 Q. Tell me what you meant by being frustrated and not  
 19 having enough time to read?  
 20 A. I was on schedule with reading for the services I  
 21 was on. And that reading and studying that I did in the  
 22 mornings was not just because I was on those services, but  
 23 it was also to study for taking Step 3 of the boards. It's  
 24 one reason why your first year is set up the way it is.  
 25 But it always frustrated me that I had this large

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1 Q. Were there any other reasons after that that it  
 2 continued to be frustrating?  
 3 A. Again, it was just -- it's the idea that you are  
 4 reading for the rotations that you're on and to be able to  
 5 have intelligent conversations with the attending that  
 6 you're rotating with and understand your patient's disease  
 7 state and treatment, as well as reading for orthopedics,  
 8 which was what I was going to be eventually going to be  
 9 doing every month, not just -- or not the other rotations.  
 10 Q. And Dr. Lubahn says that he stressed the  
 11 importance of good time management and reading for specific  
 12 cases.  
 13 A. Yes.  
 14 Q. Is that accurate?  
 15 A. I don't remember what the discussion exactly  
 16 was -- or what his response was.  
 17 Q. Do you remember a different response?  
 18 A. I don't remember what his response was.  
 19 Q. Do you remember anything else about your  
 20 semi-annual evaluation that's not recorded here?  
 21 A. No.  
 22 Q. And do you believe it's an accurate reflection of  
 23 your performance during your PGY-1 year?  
 24 A. Yes.  
 25 MR. SOREK: Kerry, I have about 11:32 and would

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1 topic to now start reading for -- or I should say to  
 2 continue reading for, and it just seemed like there was  
 3 never enough time to read for orthopedics as well as for the  
 4 individual rotations that I was on and preparing to take  
 5 Step 3, which again is the same. When you're reading for  
 6 the rotations that you're on, it's essentially trying to  
 7 allow you to take Step 3.  
 8 Q. When did you take Step 3?  
 9 A. Sometime during -- it must have been sometime  
 10 during the first year.  
 11 Q. I'll save you the brain strength and you can refer  
 12 back to the exhibits. Is that your Step 3 result, Exhibit  
 13 No. 5 -- no, I'm sorry, that isn't it either. Exhibit No.  
 14 7, is that your Step 3 result?  
 15 A. Yes.  
 16 Q. And does that have a test date on it?  
 17 A. March of 2002.  
 18 Q. Do you believe that that's when you actually took  
 19 the exam?  
 20 A. Yes.  
 21 Q. So at the time of this July evaluation, you had  
 22 already taken Step 2; is that correct?  
 23 A. Correct.  
 24 Q. But you had continued to be frustrated after that?  
 25 A. Yes.

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1 ask how much you have to get through?  
 2 MS. RICHARD: I have a ways to go.  
 3 MR. SOREK: I think we're really bumping up  
 4 against the allowed time limit under the rules, so  
 5 I'd ask for something a little more specific than  
 6 a ways to go because I don't think we're going  
 7 to --  
 8 MS. RICHARD: Initially, I thought that the  
 9 seven-hour rule applied per day, not for a total  
 10 deposition time.  
 11 MR. SOREK: I don't believe that's true.  
 12 MS. RICHARD: And secondarily, I'd say I have at  
 13 least two hours to go.  
 14 MR. SOREK: I would be willing to go -- I'll talk  
 15 to my client, but I wouldn't be willing to stay  
 16 that long. Let's take a quick break and I'll talk  
 17 to my client.  
 18 MS. RICHARD: Take a break. If we have to  
 19 reschedule, I can always get the Court's  
 20 permission to come back and continue this.  
 21 MR. SOREK: Sure, you can try. I'm not sure  
 22 because we have a position on that. But that's --  
 23 let me talk to my client.  
 24 (Brief recess taken.)  
 25 MR. SOREK: I've talked with my client and I'll

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1 a patient with a certain condition, you will read about that  
 2 condition prior to the day beginning. So it wasn't -- it  
 3 wasn't, you know, a set time that I would do questions.  
 4 Q. Within the framework of your sort of hours you set  
 5 aside to study, what percentage of that did you devote to  
 6 doing questions?  
 7 A. I'd have to estimate maybe 20 percent of the time.  
 8 Q. And during what period of time were you doing  
 9 that?  
 10 A. Various times.  
 11 Q. If your PGY-2 year started July 1, when would you  
 12 have started reviewing questions for the OITE?  
 13 A. Shortly after July 1.  
 14 Q. And from that time forward did you dedicate 20 --  
 15 approximately 20 percent to it, or did that time go up or  
 16 down over time?  
 17 A. I don't remember if it went up or down.  
 18 Q. Okay. And the exam is in November; is that  
 19 correct?  
 20 A. Yes.  
 21 Q. And do you remember what rotations you were doing  
 22 between July 1 and November 1 of your PGY-2 year?  
 23 A. I believe I was doing my hand rotation.  
 24 Q. What's the call schedule like for the hand  
 25 rotation?

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1 leave.  
 2 Q. Was it granted?  
 3 A. Yes.  
 4 Q. Do you know if it counted against you as vacation  
 5 time?  
 6 A. I don't remember.  
 7 Q. Was there any other time between July 1 and  
 8 November that you were not on your regular rotation or  
 9 service?  
 10 A. No.  
 11 Q. Was there any particular rotation that you found  
 12 difficult during your PGY-2 year?  
 13 A. The hand rotation was likely the most challenging.  
 14 Q. In what way?  
 15 A. To begin with, I had already sensed a disconnect  
 16 from Dr. Lubahn, and he is, of course, a hand surgeon and  
 17 the person you do the most work with during the hand  
 18 rotation. And so that was challenging to feel as if I had  
 19 to not only perform as an orthopedic surgeon, but had to  
 20 make him aware that I more or less, let's say, existed.  
 21 He did not take a great interest in me, and so  
 22 that was very stressful and very challenging every day to,  
 23 you know, try and let him know that I was dedicated and  
 24 committed, as well as trying to perform in the operating  
 25 room.

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1 A. The call schedule does not change for the various  
 2 rotations. So --  
 3 Q. What was your call schedule during your PGY-2 year  
 4 then?  
 5 A. Well, I'll start with telling you about the  
 6 weekends. Once a month you were on Friday -- let's say you  
 7 started with the first weekend and you were on Friday, then  
 8 the second weekend you'd be on Saturday, and the third  
 9 weekend you'd be on Sunday, and the fourth weekend you would  
 10 be off for the weekend. So that would be the weekend.  
 11 And then from there, the call schedule would  
 12 rotate just through the residents who were on service and  
 13 available to take call. And I believe it was probably every  
 14 fourth night.  
 15 Q. When you say "from there", you mean from the  
 16 nights Monday through Thursday night was the rotation?  
 17 A. If you were on Friday, then you were on Friday  
 18 night, then you'd be on Tuesday night. Then you'd be on  
 19 Saturday, and then you'd be on Wednesday. And then you'd be  
 20 on Sunday. It was approximately no fewer than every four.  
 21 Sometimes, you'd go for a stretch and be on every other  
 22 night or every third night.  
 23 Q. Okay. Did you take any time off in that period  
 24 July 1 to November 1 of 2002?  
 25 A. I requested a week off in September as a -- as a

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1 Hand surgery -- in addition, hand surgery tends to  
 2 be a complicated skill to learn. The anatomy is very  
 3 complicated, the procedures are complicated, and it's just  
 4 a -- it's just a challenging topic. And so those two things  
 5 together would make that probably the most challenging.  
 6 Q. Let's talk about your PGY-3 year. Did your  
 7 personal program of self-study change at all during that  
 8 PGY-3 year from your PGY-2 year?  
 9 A. It changed in that in my PGY-2 year there was a  
 10 period of time in which I had a family tragedy and I was  
 11 commuting to Cleveland quite a bit. And at that time I was  
 12 on rotation with Mark Suprock and John Kastrop. And I would  
 13 basically, you know, end my day with having to drive to  
 14 Cleveland to take care of my kids and begin my day with  
 15 driving back to Erie in time to round on patients and be  
 16 available, and at no time miss any days of work or leave any  
 17 work for my fellow residents.  
 18 So during that time period, I did not spend time  
 19 reading in the mornings or in the evenings.  
 20 Q. When was that time period?  
 21 A. That time period was from about the middle of  
 22 September probably through sometime in January. I don't  
 23 remember exactly if it was all the way through January. And  
 24 at that time I would talk with Mark Suprock about it. And I  
 25 basically let him know what was going on and told him that I

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